

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL A. NOLTE,

Defendant.

4:24CR3018

ORDER

This matter comes before the Court on Defendant's, Michael A. Nolte's, motion for return of seized property. [Filing No. 44](#).

"A person aggrieved by an unlawful search and seizure of property or by the deprivation of property may move for the property's return." Fed. R. Crim. P. 41(g). The movant must establish lawful entitlement to the property. *Jackson v. United States*, 526 F.3d 394, 396 (8th Cir. 2008) (citing *United States v. Clymore*, 245 F.3d 1195, 1201 (10th Cir. 2001)). The government must then establish a legitimate reason to retain the property. *Id.* "A Rule 41(g) motion 'is properly denied if the defendant is not entitled to lawful possession of the seized property, the property is contraband or subject to forfeiture or the government's need for the property as evidence continues.'" *Id.* (quoting *United States v. Vanhorn*, 296 F.3d 713, 719 (8th Cir. 2002)). The court must receive evidence on any factual issue necessary to decide the motion. Fed. R. Crim. P. 41(g).

Nolte seeks return of two laptop hard drives and an Apple Mac desktop computer which he asserts were seized from him and never returned. [Filing No. 44 at 1](#). According to Nolte, no evidence or contraband was located on these devices. *Id.* The United States has not responded to Nolte's motion for return of seized property.

THEREFORE, IT IS ORDERED:

- 1) The United States shall respond on or before April 30, 2025, to Defendant's motion for return of seized property, [Filing No. 44](#), including addressing whether there are any factual disputes which require the Court to receive evidence.

Dated this 16th day of April, 2025.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge